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MINISTRY OF LAW (Legislative Department)

New Delhi, the 19th December, 1963/Agrahayana 28, 1885 (Saka)

THE GOA, DAMAN AND DIU (LAWS) No. 2 REGULATION, 1963

NO. 11 OF 1963

Promulgated by the President in the Fourteenth Year of the
Republic of India.

A Regulation to extend certain laws to the Union territory
of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the
Constitution, the President is pleased to promulgate the following
Regulation made by him:—

1. (1) This Regulation may be called the Goa, Daman and Diu (Laws) No. 2 Regulation, 1963.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(a) "Act" means an Act specified in the Schedule;

(b) "Goa, Daman and Diu" means the Union territory of
Goa, Daman and Diu;

(c) "Lieutenant-Governor" means the Administrator of Goa,
Daman and Diu.

3. (1) The Acts, as they are generally in force in the territories to
which they extend, shall extend to Goa, Daman and Diu, subject
to the modifications, if any, specified in the Schedule.

Extension
with amend-
ments of
certain laws
to Goa.

Daman and
Diu and
their com-
mencement
therein.

(2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Goa, Daman and Diu on such date as the Lieutenant-Governor may, by notification in the Goa, Daman and Diu Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and
saving.

4. (1) Any law in force in Goa, Daman and Diu or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in Goa, Daman and Diu or such area, as the case may be.

(2) Nothing in sub-section (1) shall affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to Goa, Daman and Diu by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Extension of
rules, orders,
etc., under
certain laws.

5. All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Goa, Daman and Diu, extend to, and come into force in Goa, Daman and Diu.

4 of 1938.
31 of 1956.
2 of 1962.

6. Anything done or any action taken by the Life Insurance Corporation of India in Goa, Daman and Diu which would have been validly done or taken had the Insurance Act, 1938, and the Life Insurance Corporation Act, 1956, been in force in that Union territory when such thing was done or action was taken shall, notwithstanding anything contained in any corresponding law repealed by the Goa, Daman and Diu (Laws) Regulation, 1962, or this Regulation, be deemed to have been validly done or taken.

Validation of acts of Life Insurance Corporation.

7. (1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Goa, Daman and Diu by this Regulation,—

Rule of construction.

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that—

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary, the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor; and

(c) any reference to the High Court shall be construed as a reference to the Court of the Judicial Commissioner established for that Union territory.

(2) For the purpose of facilitating the application in relation to Goa, Daman and Diu of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

8. If any difficulty arises in giving effect in Goa, Daman and Diu to the provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

Power to remove difficulties.

9. In the Companies Act, 1956, as extended to the Union territory of Goa, Daman and Diu,—

Amendment of Act 1 of 1956.

(1) in section 3(1)(ii)—

(a) the following word and sub-clause occurring after sub-clause (2) of clause (f) shall be omitted and shall be

deemed always to have been omitted, namely:—

“or

(3) in the Union territory of Goa, Daman and Diu or any part thereof, before the commencement of this Act therein;”;

(b) the word “and” at the end of clause (e) shall be omitted and after clause (f), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(g) The Portuguese Commercial Code (Carta Lei of the 11th April, 1901), in so far as it relates to “Sociedades anonimas”;;

(2) after section 620A, the following section shall be inserted, namely:—

“Special provision as to companies in Goa, Daman and Diu

Special provision as to companies in Goa, Daman and Diu.

620B. The Central Government may, by notification in the Official Gazette, direct that for such period or periods with effect from the 26th January, 1963, or any subsequent date, any of the provisions of this Act specified in the notification shall not apply, or shall apply only with such exceptions and modifications or adaptations as may be specified in the notification, to—

(a) any existing company in the Union territory of Goa, Daman and Diu;

(b) any company registered in the said Union territory under this Act on or after the 26th January, 1963.”.

THE SCHEDULE

(See section 2)

Year	No.	Short title	Modifications
1	2	3	4
1850	37	The Public Servants (Inquiries) Act, 1850.	
1867	3	The Public Gambling Act, 1867.	
1870	7	The Court-fees Act, 1870.	
1872	1	The Indian Evidence Act, 1872.	
1872	9	The Indian Contract Act, 1872.	

Year	No.	Short title	Modifications
1	2	3	4
1878	6	The Indian Treasure-trove Act, 1878.	In section 32, after the words and figures "at any time before the first day of April, 1891", insert "or in the case of the Union territory of Goa, Daman and Diu, before such date as may be specified by notification by the Central Government".
1882	2	The Indian Trusts Act, 1882.	
1882	4	The Transfer of Property Act, 1882.	
1885	18	The Land Acquisition (Mines) Act, 1885.	
1886	6	The Births, Deaths and Marriages Registration Act, 1886.	
1889	1	The Metal Tokens Act, 1889.	
1890	6	The Charitable Endowments Act, 1890.	
1894	1	The Land Acquisition Act, 1894.	
1894	9	The Prisons Act, 1894.	
1895	15	The Government Grants Act, 1895.	
1897	8	The Reformatory Schools Act, 1897.	In sub-section (1) of section 57, after clause (f), insert— “(g) if it arises in the Union territory of Goa, Daman and Diu, to the High Court at Bombay.”. In Schedule I, omit entry 30.
1899	2	The Indian Stamp Act, 1899.	
1899	13	The Glanders and Farcy Act, 1899.	
1900	3	The Prisoners Act, 1900.	
1908	16	The Indian Registration Act, 1908.	
1910	5	The Dourine Act, 1910.	
1912	4	The Indian Lunacy Act, 1912.	
1916	7	The Indian Medical Degrees Act, 1916.	

Year	No.	Short title	Modifications
1	2	3	4
1920	14	The Charitable and Religious Trusts Act, 1920.	
1920	33	The Identification of Prisoners Act, 1920.	
1927	16	The Indian Forest Act, 1927.	
1929	19	The Child Marriage Restraint Act, 1929.	
1930	3	The Sale of Goods Act, 1930.	
1932	9	The Indian Partnership Act, 1932.	In section 1, for sub-section (3), substitute— “(3) It shall come into force at once except section 69, which shall come into force on the 1st day of January, 1965.”
1940	23	The Drugs Act, 1940.	
1942	18	The Weekly Holidays Act, 1942.	
1945	..	The International Monetary Fund and Bank Act, 1945.	
1947	48	The Indian Nursing Council Act, 1947.	
1948	8	The Pharmacy Act, 1948.	
1948	16	The Dentists Act, 1948.	
1948	34	The Employees' State Insurance Act, 1948.	
1948	37	The Census Act, 1948.	
1948	63	The Factories Act, 1948.	
1949	10	The Banking Companies Act, 1949.	
1949	38	The Chartered Accountants Act, 1949.	
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	
1951	63	The State Financial Corporations Act, 1951.	
1952	19	The Employees' Provident Funds Act, 1952.	
1952	37	The Cinematograph Act, 1952.	

Year	No	Short title	Modifications
1	2	3	4
1953	12	The Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953.	In clause (a) of section 2, omit "and" at the end of sub-clause (i) and after that sub-clause, insert :— "(ia) in relation to the Union territory of Goa, Daman and Diu, the date on which this Act comes into force therein ;".
1953	29	The Tea Act, 1953.	Omit sub-section (3) of section 17 and sub-sections (2) and (3) of section 18.
1953	32	The Collection of Statistics Act, 1953.	
1953	45	The Coir Industry Act, 1953.	
1954	21	The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.	
1954	37	The Prevention of Food Adulteration Act, 1954.	
1955	23	The State Bank of India Act, 1955.	
1955	32	The Prisoners (Attendance in Courts) Act, 1955.	
1955	42	The Prize Competitions Act, 1955.	
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	Omit section 4. In sub-section (1) of section 5, in clauses (b) and (c), omit "on or after the 1st day of July, 1961,".
1956	31	The Life Insurance Corporation Act, 1956.	After section 48, insert— '48A. Act to apply to Goa, Daman and Diu subject to modifications.—The provisions of this Act shall, in their application to the Union territory of Goa, Daman and Diu, have effect subject to the following modifications, namely :— (1) In section 2,— (i) for clause (1), the following clause shall be substituted, namely:— '(1) "appointed day" means— (i) in the case of any insurer incorporated or registered

Year	No.	Short title	Modifications
1	2	3	4
			<p>in Portugal or the Portuguese-occupied territories outside India, the 8th June, 1962 ; and</p> <p>(ii) in the case of any other foreign insurer transacting life insurance business in the Union territory of Goa, Daman and Diu, the commencement of this Act; ;</p> <p>(ii) in sub-clause (ii) of clause (3),—</p> <p>(a) after item (b), the following proviso shall be inserted, namely :—</p> <p>“ Provided that nothing contained in this sub-clause shall be deemed to include policies of insurance issued in favour of persons who have not opted to become citizens of India under the order issued under section 7 of the Citizenship Act, 1955 (57 of 1955); ” ; and</p> <p>(b) item (c) shall be omitted.</p> <p>(2) Sections 11 and 12 shall be omitted.</p> <p>(3) In section 14 and sub-section (1) of section 15, for the figures, letters and words “ 19th day of January, 1956 ”, the words “ appointed day ” shall be substituted.</p> <p>(4) In section 16, after sub-section (2), the following sub-section shall be inserted, namely :—</p> <p>(1) Notwithstanding anything contained in sub-section (1) or sub-section (2), no compensation shall be payable or be offered to an insurer incorporated or registered in Portugal or any of the Portuguese-occupied</p>

Year	No.	Short title	Modifications
1	2	3	4
			<p>territories, unless the Central Government is satisfied that the amounts, if any, which are due to be recovered from such insurer or to be remitted by such insurer to India have been or will be recovered or remitted in full."</p> <p>(5) In section 30, for the words "certificate of registration under the Insurance Act", the following words shall be substituted, namely :—</p> <p>"certificate or authorisation under the Insurance Act or under any other law, decree or order".</p> <p>(6) In section 35, alter the words "insurer incorporated outside India", wherever they occur, the words "not being an insurer registered or incorporated in Portugal or the Portuguese-occupied territories" shall be inserted.</p> <p>(7) In section 36, after the proviso, the following proviso shall be inserted, namely :—</p> <p>"Provided further that no compensation shall be payable to the chief agents or special agents of insurers registered or incorporated in Portugal or the Portuguese-occupied territories unless (a) they are citizens of India, or (b) in the case of chief agents or special agents who are not citizens of India, the amounts, if any, due from such insurers have been recovered or remitted to India in full, or (c) the Central Government specifically authorises the payment of such compensation."</p>

Year	No.	Short title	Modifications
I	2	3	4
			<p>(8) In the First Schedule,—</p> <p>(i) in Part A,—</p> <p>(a) for the words, figures and letters "the 1st day of January, 1955", wherever they occur, the words, figure and letters "the 1st day of the completed calendar year immediately preceding the appointed day" shall be substituted, for the words, figures and letters "the 31st day of December, 1955", the words "the last day of the completed calendar year immediately preceding the appointed day" shall be substituted and for the figures and word "1950 to 1955", the figures and word "1956 to 1961" shall be substituted;</p> <p>(b) after the words "abstracts prepared in accordance with Part II of the Fourth Schedule to the Insurance Act", wherever they occur, the words "or in any other corresponding abstract, return or statement" shall be inserted ;</p> <p>(c) in Paragraph 2, after the words "Form A in the First Schedule to the Insurance Act", the words "or any other corresponding form or statement" shall be inserted ; and</p> <p>(ii) in Part B, for the words, figures and letters "the 1st day of January, 1955", the words "the first day of the completed calendar year immediately preceding the appointed day" shall be substituted and references to the 19th day of January, 1956 (except in paragraph 5) shall be changed into references to the appointed day.</p>

Year	No.	Short title	Modifications
1	2	3	4
			<p>(9) In the Second Schedule, references to the 1st day of January, 1955 and the 31st day of December, 1955, shall be changed into references to the first day and the last day respectively of the completed calendar year immediately preceding the appointed day.</p> <p>(10) In the Third Schedule,—</p> <p>(i) in the first paragraph, for the words "seventy-five per cent.", the words "such percentage as the Central Government may fix" and for the words "ten years"; the words "five years" shall be substituted; and</p> <p>(ii) in the second paragraph, references to the 1st day of January, 1952, and the 31st day of December, 1955, shall be changed into references to the 1st day, of January, 1958, and the 31st day of December, 1961, respectively.</p>
1956	42	The Securities Contracts (Regulation) Act, 1956.	
1956	61	The Khadi and Village Industries Commission Act, 1956.	
1956	102	The Indian Medical Council Act, 1956.	<p>In the Third Schedule—</p> <p>(i) in Part I, add at the end—</p> <p>"Medico- Diploma Medico-Surgical of Surgeon College, licentiate (Goa)."; Nova-Goa, of the Panjim. Medico-Surgical College, Nova-Goa.</p> <p>(ii) in Part II, omit the following :—</p> <p>"Medico-Surgeon (Goa).".</p>
1956	104	The Suppression of Immoral Traffic in Women and Girls Act, 1956.]	
1958	20	The Probation of Offenders Act, 1958.	

Year	No.	Short title	Modifications
1	2	3	4
1959	23	The Cost and Works Accountants Act, 1959.	
1959	31	The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.	
1959	38	The State Bank of India (Subsidiary Banks) Act, 1959.	
1960	59	The Prevention of Cruelty to Animals Act, 1960.	
1961	27	The Motor Transport Workers Act, 1961.	
1961	52	The Apprentices Act, 1961.	
1961	53	The Maternity Benefit Act, 1961.	
1961	58	The Iron Ore Mines Labour Welfare Cess Act, 1961.	

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR,

Secy. to the Govt. of India.